IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

Crim.Rev. Application No. 447 of 2006

Ahmed Hussein Haji ..Applicant

vs.

Deputy Superintendent of
Police and others ..Respondents

Shri K.M.Sanghavi for applicant.
Shri S.S.Pednekar, A.P.P. for respondent State.

CORAM: S.C.DHARMADHIARI J.
15th December,2006

P.C.

1. Heard the learned Counsel.

2. This is a criminal revision application directed against the order passed by J.M.F.C., Uran on 13th November, 2006.

3. Shri Sanghavi's complaint is that the order dated 13th November, 2006 could not have been passed by the learned J.M.F.C. once the surety was accepted. Under the garb of identifying the sureties, sureties itself could not have been rejected.

4. In the criminal revision application the applicant has set out the manner in which the application was made for furnishing of surety

and has disclosed that one Ahmed Hussein Hazi is concerned surety. He had produced all the documents so as to establish his identity including solvency certificate and the ration card. Shri Sanghani has tendered the affidavit of Ahmed Hussain Haji, the surety, stating therein that he knows the applicant and he was carrying on business as estate agent jointly with the applicant. He has also disclosed his residential address.

5. In my view, it would be appropriate instead of this court scrutinising the relevant material that the matter is remitted to the J.M.F.C.,Uran to consider the request of the applicant to accept the surety afresh on merits and in accordance with law uninfluenced by his earlier order. The learned J.M.F.C. shall take into consideration all material including the affidavit filed in this Court.

6. Revision application is allowed in the above terms.

7. All concern to act on authenticated copy of this order.

(S.C.DHARMADHIKARI J.)